

## **REMARKS**

Upon entry of this amendment, claims 13-15 are all the claims pending in the application.

Claims 1-12 have been canceled by this amendment, and claims 13-15 have been added as new claims. No new matter has been added. Also, Applicants note that new claims 13-15 are directed to the elected invention.

### **I. Claim Rejections**

Claim 1 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and claims 1-4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of Kadono et al. ("Additional MMCO command for supporting more flexible bitstream switching"), and further in view of Official Notice.

As noted above, claims 1-12 have been canceled, and have been replaced with new claims 13-15 in order to address the above-noted rejection under 35 U.S.C. 101, and to further distinguish the claims from the cited prior art.

In this regard, with respect to new claims 13 and 15, which are directed to a picture coding method, Applicants respectfully submit that these claims have been drafted in view of the Examiner's comments in the Office Action directed to the rejection under 35 U.S.C. 101, such that claims 13 and 15 are tied to a particular apparatus. Accordingly, Applicants respectfully submit that claims 13 and 15, as well as claim 14 (which is directed to a picture coding apparatus), satisfy the requirements of 35 U.S.C. 101.

With respect to the rejection of the claims under 35 U.S.C. 103(a), Applicants respectfully submit that this rejection is inapplicable to new claims 13-15 for at least the following reasons.

In particular, regarding claim 13, Applicants note that this claim is directed to a picture coding method for coding a moving picture having a plurality of pictures using a set of picture numbers repeatedly assigned in coding order to respective pictures included in the moving picture such that more than one of the pictures included in the moving picture has the same picture number, the picture coding method comprising: a first adding step of adding a first memory management command to a first picture having a **predetermined picture number**; and a second adding step of adding a second memory management command to a point of a second picture, wherein, in the second adding step, the second memory management command is added to the point of the second picture after a determination is made that the first picture, from among a **plurality of pictures each having the predetermined picture number**, is located immediately previous to the second picture in coding order.

Applicants respectfully submit that the prior art cited by the Examiner does not teach, suggest or otherwise render obvious the above-noted features recited in claim 13.

For example, regarding the AAPA, Applicants note that while the AAPA discloses that a memory management command may be retransmitted (e.g., see paragraph [0021]), Applicants respectfully submit that the AAPA does not disclose, suggest or otherwise render obvious the above-noted combination of features recited in claim 13 of a first adding step of adding a first memory management command to a first picture having a **predetermined picture number**; and a second adding step of adding a second memory management command to a point of a second picture, wherein, in the second adding step, the second memory management command is added to the point of the second picture after a determination is made that the first picture, from among a **plurality of pictures each having the predetermined picture number**, is located immediately previous to the second picture in coding order.

In addition, regarding Kadono, while this reference discloses that picture numbers are different from each other in bit streams having different frame rates (see Figs. 1 and 3), Applicants respectfully submit that Kadono does not disclose, suggest or otherwise render obvious the above-noted combination of features recited in claim 13 of a first adding step of adding a first memory management command to a first picture having a predetermined picture number; and a second adding step of adding a second memory management command to a point of a second picture, wherein, in the second adding step, the second memory management command is added to the point of the second picture after a determination is made that the first picture, from among a plurality of pictures each having the predetermined picture number, is located immediately previous to the second picture in coding order.

Further, regarding the Examiner's use of Official Notice, Applicants respectfully submit that the above-noted combination of features recited in new claim 13 is not conventional or well known in the art. For example, Applicants note that the background section of the present application merely describes that the ability to retransmit a memory management command is known in the art.

Thus, while retransmitting a memory management command may be known in the art, Applicants respectfully submit that the above-noted combination of features recited in claim 13 is not well known or conventional in the art. If the Examiner disagrees, and believes that such features are well known in the art, Applicants request that the Examiner cite a supporting reference for any such features (rather than merely relying on Official Notice), as required under MPEP 2144.03.

In view of the foregoing, Applicants respectfully submit that new claim 13 is patentable over the prior art of record, an indication of which is kindly requested.

Regarding new claim 14, Applicants note that this claim recites similar features to those recited in claim 13. In this regard, Applicants note that claim 14 is directed to a picture coding apparatus that codes a moving picture having a plurality of pictures using a set of picture numbers repeatedly assigned in coding order to respective pictures included in the moving picture such that more than one of the pictures included in the moving picture has the same picture number, the picture coding apparatus comprising: a first adding unit operable to add a first memory management command to a first picture having a predetermined picture number; and a second adding unit operable to add a second memory management command to a point of a second picture, wherein the second adding unit adds the second memory management command to the point of the second picture after a determination is made that the first picture, from among a plurality of pictures each having the predetermined picture number, is located immediately previous to the second picture in coding order.

For at least similar reasons as set forth above with respect to claim 13, Applicants respectfully submit that the prior art of record does not disclose, suggest or otherwise render obvious the above-noted features recited in claim 14. Accordingly, Applicants submit that claim 14 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding new claim 15, Applicants note that this claim recites similar features to those recited in claim 13. In this regard, Applicants note that claim 15 is directed to a picture coding method for generating a coded picture stream of a moving picture by coding a moving picture having a plurality of pictures using a set of picture numbers repeatedly assigned in coding order to respective pictures included in the moving picture such that more than one of the pictures included in the moving picture has the same picture number, the picture coding method comprising: a first adding step of adding a first memory management command to a first picture

having a predetermined picture number; and a second adding step of adding a second memory management command to the coded picture stream of the moving picture, wherein, in the second adding step, the second memory management command is added to the coded picture stream of the moving picture after a determination is made that the first picture, from among a plurality of pictures each having the predetermined picture number, is located immediately previous to the second memory management command in coding order.

For at least similar reasons as set forth above with respect to claim 13, Applicants respectfully submit that the prior art of record does not disclose, suggest or otherwise render obvious the above-noted features recited in claim 15. Accordingly, Applicants submit that claim 15 is patentable over the cited prior art, an indication of which is kindly requested.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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